

SAIC0078  
Serial No. 10/614,188



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Richard L. SUTHERLAND

Art Unit: 2877

Serial No. 10/614,188

Examiner: ROSENBERGER, Richard A.

Filed: July, 8, 2003

For: DEVICE AND METHOD FOR DETECTION AND IDENTIFICATION OF  
BIOLOGICAL AGENTS

**FILED BY FACSIMILE - 571-273-8300**

U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop AMENDMENT  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**RESPONSE TO NON-FINAL REJECTIONS**

Sir:

The following is intended to be fully responsive to the Final Office Action mailed June 20, 2006 ("the Office Action"). While the Office has indicated that this Action is final, the undersigned believes this Action is non-final. MPEP 706.07(a) states:

[A] second or any subsequent action on the merits in any application or patent undergoing reexamination proceedings **will not be made final if it includes a rejection, on newly cited art**, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c).

In this case, since the Office has cited new art, U.S. Patent No. 4,844,613 to Batchelder and U.S. Patent No. 6,493,090 to Lading et al., in rejecting the present claims, this Action should be considered a non-final action and the undersigned should have the ability to respond accordingly. In view of the arguments presented herein, the undersigned respectfully requests reconsideration of the rejections of the claims of the present application.

**Amendments to the claims** begin on page 2.

**Remarks** begin on page 8.

**Conclusion** begins on page 12.